

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

BYRON JOHNSON,

Plaintiff,

vs

6:03-CV-1471

SOCIAL SECURITY COMMISSIONER,

Defendant.

APPEARANCES:

OF COUNSEL:

BYRON JOHNSON
Plaintiff, Pro Se
7 Russell Street
Kingston, NY 12401

HON. GLENN T. SUDDABY
United States Attorney
Northern District of New York
Attorney for Defendant
P. O. Box 7198
100 South Clinton Street
Syracuse, New York 13261-5165

WILLIAM H. PEASE, ESQ.
Assistant U.S. Attorney

DAVID N. HURD
United States District Judge

DECISION and ORDER

Plaintiff, Byron Johnson, brought this action seeking judicial review pursuant to 42 U.S.C. § 405(g) of the Social Security Act. By Report and Recommendation dated April 24, 2006, the Honorable David E. Peebles, United States Magistrate Judge, recommended that the defendant's motion to dismiss plaintiff's complaint be granted and that plaintiff's complaint be dismissed in its entirety. The plaintiff has filed timely objections to the Report-Recommendation.

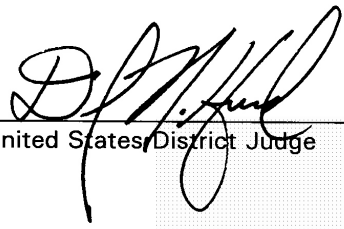
Based upon a de novo determination of the portions of the report and recommendations to which the plaintiff has objected, the Report-Recommendation is accepted and adopted in whole. See 28 U.S.C. 636(b)(1). Accordingly, it is

ORDERED that

1. The defendant's motion to dismiss plaintiff's complaint is GRANTED; and
2. The complaint is DISMISSED in its entirety.

The Clerk is directed to enter judgment accordingly.

IT IS SO ORDERED.


United States District Judge

Dated: May 31, 2006
Utica, New York.